

Attorney Docket No. 065382-0006
Electronically filed April 19, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)) Examiner Iqbal Hossain CHOWDHURY, Ph.D.
WEBER, J. Mark *et al.*))
Serial No.: 10/637,159)) Group Art Unit No.: 1652
Filing Date: August 8, 2003))
For: Confirmation No.: 2929
PROCESS OF INCREASING CELLULAR PRODUCTION OF BIOLOGICALLY ACTIVE
COMPOUNDS

RESTRICTION RESPONSE

Commissioner for Patents
Mail Stop 1450
Washington, D.C. 20231

Dear Sir:

Responsive to the Official Action of March 21, 2007, Applicants elect without traverse Group I, claims 1-23, 27, 30-34. Applicants also elect the following species: rapamycin, rapamycin, erythromycin and monensin.

The Office has restricted the application into the following groups:

I. Claims 1-23, 27, 30-34, drawn to a method of increasing the production of a biologically active compound in a cell, wherein the biologically active compound is derived at least in part from methylmalonyl-CoA, the method comprising the step of inhibiting the activity of methylmalonyl-CoA mutase by reducing said mutase transcription, classified in class 514, subclass 44.

II. Claims 1-23, 28-29, 30-34, drawn to a method of increasing the production of a biologically active compound in a cell, wherein the biologically active compound is derived at least in part from methylmalonyl-CoA, the method comprising the step of inhibiting the activity of methylmalonyl-CoA mutase by producing enzymatically inactive said mutase protein, classified in class 435, subclass 6.

III. Claims and 1-23, 24-26, 30-34, drawn to a method of increasing the production of a biologically active compound in a cell, wherein the biologically active compound is derived at least in part from methylmalonyl-CoA, the method comprising the step of inhibiting the activity of methylmalonyl-CoA

mutase by reducing the coenzyme B12 production by inhibiting *cob* gene encoding adenosyltransferase transcription, classified in class 435, subclass 86.

Applicants elect without traverse Group I, claims 1-23, 27, 30-34.

The Office has required species elections based on claims 3, 5, 11 and 13. The species elections are, for each claim, as follows:

Claim 3: rapamycin

Claim 5: rapamycin

Claim 11: erythromycin

Claim 13: monensin

Applicant believes that the Office meant to indicate claim 14, not claim 13, as the source for its species election, and thus Applicant, in an effort to expedite prosecution, provisionally elects monensin A.

Upon the allowance of a generic claim, however, Applicants are entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. The Office, however, has not identified those claims it considers generic, but is bound to do so. See MPEP §809.02(a) and Form Paragraph 8.01. Thus Applicants respectfully request the Office to identify the generic claims.